

January 30, 2020

Mr. Victor Carter
7035 Glen Spring Road
Windsor Mill, MD 21244

Re: Carter Property at 7035 Glen Spring Road
Forest Buffer Variance
Tracking #01-19-3114

Dear Mr. Carter:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by this Department of Environmental Protection and Sustainability (EPS) on November 25, 2019. If granted, the variance would allow the applicant to forego establishment and recordation of a Forest Buffer Easement and allow approximately 3,745 square feet (sf) of impact to area that would be Forest Buffer in order to construct a 960-sf pole barn in the rear yard of an existing dwelling, including approximately 2,785 sf of fill and asphalt paving around the barn extending to within 35 feet of the stream centerline.

A Use-IV unnamed tributary to Dead Run flows just offsite parallel to the lot's rear property line, approximately 25 feet from that boundary. According to GIS data, the 100-year floodplain to this stream extends just onto the rear of the property. The property is currently improved with a single-family dwelling, driveway, and other accessory structures. The portion of the Forest Buffer area that is on the subject property is presently maintained as a mowed lawn and rear yard for the dwelling and also contains a portion of the dwelling itself. Additionally, all of the neighboring houses on Glen Spring Road have been maintaining the Forest Buffer area as residential yard with accessory structures and lawn.

This Department has reviewed your request and has determined that both a practical difficulty and unreasonable hardship exist in establishing the required Forest Buffer Easement and siting the proposed pole barn outside of that buffer, as the property is not large enough to accommodate the barn, the existing dwelling, and the full 100-foot buffer. Moreover, full application of the law would result in a Forest Buffer that would encompass most of the lot including half of the house. Furthermore, we find that impacts to water quality would be minimal given that no wetlands, streams, floodplains, or forest would be directly impacted by the proposed barn; however, impacts could be further minimized by reducing the amount of paving proposed within the buffer.

Mr. Victor Carter
Carter Property at 7035 Glen Spring Road
Forest Buffer Variance
January 30, 2020
Page 2

Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. The limit of paving must be located at least 40 feet from the closest edge of the concrete stream channel. This must be clearly shown on the revised site plan to accompany the building permit. The pole barn may need to be reduced in size and/or relocated to accommodate this condition of variance approval.
2. There shall be no filling within the 100-year floodplain limit. The floodplain limit accepted by Baltimore County Dept. of Public Works must be shown on the site plan.
3. All required sediment controls shall be installed and maintained during construction of the pole barn. All disturbed area shall be revegetated upon completion of the barn. A note indicating this must be on the plan accompanying the permit application.
4. The following note must appear on a revised site plan to accompany the building permit, as well as all subsequent plans submitted for this property:

“A variance was granted on January 30, 2020, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to forego establishment of the required Forest Buffer Easement. The limit of disturbance shown hereon reflects the fact that this variance was granted. Conditions were placed on this variance to reduce impacts to water quality.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

As the owner and party responsible for meeting the conditions of this variance, please sign the statement on the following page and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/lbe

Mr. Victor Carter
Carter Property at 7035 Glen Spring Road
Forest Buffer Variance
January 30, 2020
Page 3

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Owner's Signature

Date

Printed Name